HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. V.SEETHAPATHY

WRIT PETITION No. 7381 OF 2006

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Between:

CPI (M), Gudur Divisional Committee,
through its Secretary.

….**Petitioner**

And

The Union of India and four others. ….**Respondents**

:: O R D E R ::

Counsel for the Petitioner : Sri Prattipati Venkateswarlu

Counsel for Respondent No.1 : Sri A.Rajashekar Reddy,
Assistant Solicitor General

Counsel for Respondent No.2 : Sri P.V.Sanjay Kumar

Counsel for Respondent Nos.3 & 4 : Government Pleader for
Civil Supplies

7th August 2006

Per G.S. SINGHVI, C.J.

This is a petition for issue of a mandamus to respondent Nos.1 to 4 to take steps for appointing agents for supply of LPG refills to the consumers of Gudur Municipality and surrounding Mandals.

In the affidavit filed by him, Sri K.Venkateswarlu, Secretary of CPI (M), Gudur Divisional Committee, has averred that Gudur Municipality and surrounding Mandals namely, Kota, Chillakuru, Gudur, Saidapuram, Vakadu and Manubolu are not being supplied

LPG regularly because for 24,143 consumers, there is only one distributing agency namely, Sri Sai Gas Agency, Gudur (respondent No.5 herein). The deponent has further averred that despite representations made to various authorities including public representatives, respondent Nos.1 to 4 have not taken steps to appoint more distributors of LPG and on that account the citizens are facing serious difficulty. Another assertion of the deponent is that respondent No.5 is committing several irregularities in the distribution of LPG and in one of the cases, Joint Collector, Nellore had penalized it. Along with the writ petition, the petitioner has annexed copy of communication dated 29-11-2005 sent by Joint Collector, Nellore highlighting the difficulties faced by the people on account of irregular supply of LPG, copy of communication dated 17-11-2005 sent by Revenue Divisional Officer, Gudur, copy of order dated 30-11-2005 passed by Joint Collector, Nellore, whereby penalty of Rs.10,000/- was imposed on respondent No.5, copy of communication dated 30-12-2005 sent by Additional Private Secretary to the Minister of Petroleum and Natural Gas and Panchayat Raj, Government of India to Sri J. Dasaradha Ramaiah, President, Senior Citizens Association, Gudur, and copies of representation sent to the Chief Justice of the High Court, different political functionaries and district authorities. Photostat copies of some newspaper cuttings have also been annexed to the writ petition.

In the counter affidavit filed by Sri Bhanwar Lal, Secretary, Consumer Affairs, Food & Civil Supplies Department, Government of Andhra Pradesh, it has been admitted that several complaints have been received against respondent No.5 in the matter of supply of LPG. It has been further averred that on receipt of communication dated 21-12-2005 sent by Joint Collector, Nellore, State Level Coordinator and Senior Regional Manager, Hindustan Petroleum Corporation Ltd. has informed about commissioning of new LPG distributorship by M/s.Indian Oil Corporation Ltd. at Vakadu relieving

the burden of respondent No.5. Still further, Sri Bhanwar Lal has averred that two new LPG distributorships are in the pipeline in neighbouring Kota Mandal. In paragraphs 4, 5, 7, 8 and 10 of his affidavit, Sri Bhanwar Lal has averred as under:

> "4. It is submitted that adequate supply of LPG to the consumers mainly depends upon the allocation and supply of bulk LPG by the Oil Industry to the State. In this regard the Oil Industry has informed that the allocation of the bulk LPG for the month of July, 06 for the State of Andhra Pradesh for all the 3 oil companies is 67,100 MTs i.e., IOC:24000 MTs., HPC: 30600 MTs; & BPC : 12500 MTs which is adequate to satisfy the needs of all the consumers. It is also submitted that all the modes of transportation of bulk LPG i.e., LPG pipeline from Vizag to Hyderabad, Railway rakes and LPG tankers have adequate capacity to deliver the above bulk LPG at the bottling units.
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> 5. It is submitted that another important infrastructure is the bottling plants and the capacity utilization. The existing Bottling Plants and their capacities are shown below:

OIL COMPANY	LOCATION	INSTALLED CAPACITY	NORMAL BULK LPG SOURCE
HPCL	1) Cherlapally, Hyderabad	88000 MPTA	Through pipelines from Visakhapatnam, Tank Wagons from Mangalore & Hazira.
	2) Kondapally, Vijayawada	88000 MPTA	Through pipelines from Visakhapatnam, Tank Trucks from Mangalore.
	3)Visakhapatnam	88000 MPTA	HPCL Visakhapatnam Refinery/ Import parcels.
HPC(Private Bottler)	4)Hampapuram, Anantapur.	12000 MPTA	Tank Trucks from Mangalore.
HPC(Private Bottler)	5) Rajanaram, Rajahmundry.	12000 MPTA	Tank trucks from Visakhapatnam.
IOCL	6) Cherlapally, Hyderabad.	88000 MPTA	Vizag

	7) Thimmapur, Hyderabad.	44000 MPTA	Hazira.
	8) Kondapally, Vijayawada.	34000 MPTA	Vizag.
	9) Cuddapah	44000 MPTA	MPRL/Chennai.
	10)Parwada, (Visakha Refinery)	22000 MPTA	Vizag
BPCL	11)Cherlapally, Hyderabad.	44000 MPTA	Through pipelines from Visakhapatnam & Uran by road.
	12) Kurnool.	22000 MPTA	Uran by road.
	13)Kondapally, Vijayawada.	22000 MPTA.	Through pipelines from Visakhapatnam .

It is submitted that the Oil Industry had informed that the existing Bottling Plants are operating at the level of 110% to 130% of the capacity, thereby, there is no problem envisaged in bottling of the LPG cylinders. There is one bottling unit newly coming up at Rajahmundry to cater to the emerging demand of the LPG in that area.

7. It is further submitted that the Oil Industry had also agreed, in principle, subject to the clearance by the Ministry of Petroleum & Natural Gas, that the 19 outlets of LPG distributorship run by the A.P. State Civil Supplies Corporation exclusively for Deepam consumers (under the scheme, LPG connections are provided to the BPL women after getting the deposits towards the cost of cylinder and regulator from the State Government on behalf of the BPL women beneficiaries) will be converted into full-fledged distributorships by attaching all the regular LPG consumers of that area. The Managing Director, APSCSC Ltd. has also agreed to competerise all these outlets to facilitate the consumers in booking of the refills, knowing their status and monitoring the supply of LPG.

8. To facilitate the LPG consumers, it is submitted that all the Oil Companies have agreed to provide the booking of the refills through the “Toll Free” booking system starting with Hyderabad city. M/s. IOCL and BPCL have already commenced the booking with Toll Fre No.12660 and 12664 respectively in Hyderabad city. M/s.HPCL has also promised

to get the allotment from the BSNL of the Toll Free No.12665 at an early date and commence the operation in the city of Hyderabad. All the Oil Companies have also been requested to implement this system of "Toll Free" number, centralized booking and centralized availability of the data base of the supply of refills along with the customer details for the entire State within a period of one year.

10. It is further submitted that the oil companies have also agreed to computerise all the records of the LPG distributors within a period of three months. Most of the outlets are already provided with computer systems."

In the counter affidavit filed by Sri J.Viswanathan, Senior Regional Manager, Hindustan Petroleum Corporation Ltd., Vijayawada LPG Regional Office, it has been averred that on account of non-availability of LPG distributors in the adjacent rural areas i.e., Vakadu, Kota, Chillakuru, Saidapuram and Manubolu Mandals, respondent No.5 was permitted to cover these areas. Sri J.Viswanathan has further averred that a new LPG distributorship has been commissioned at Vakadu Mandal in August, 2003 by M/s. Indian Oil Corporation Ltd., and Kota Mandal and Gudur have been identified by M/s. Hindustan Petroleum Corporation Ltd. and M/s.Bharat Petroleum Corporation Ltd. respectively as locations for potential commissioning of new distributorships and the needful will be done in accordance with the relevant selection guidelines. According to Sri J. Vishwanathan, as a result of follow-up measures taken by M/s. Hindustan Petroleum Corporation Ltd., respondent No.5 has improved its customer service and efforts are being made to sort out various issues pertaining to supply of LPG in the area.

In a somewhat similar affidavit filed by Sri Sai Kumar Suri, Senior Regional Manager of M/s.Hindustan Petroleum Corporation Ltd., it has been averred that Kota Mandal was identified as potential location for establishing a LPG distributorship and the same has been allotted to M/s.Hindustan Petroleum Corporation Ltd. under the government approved marketing plan and the same will be commissioned in due

course after completion of the selection and appointment of distributors as per the relevant norms and guidelines.

Sri K.Venkateswarlu has filed rejoinder affidavit and reiterated the allegation that respondent No.5 is committing several irregularities in the supply of LPG. He has enclosed some more copies of newspaper cuttings to substantiate his allegation of commission of irregularities by respondent No.5.

We have heard learned counsel for the parties. Since the petitioner has not made specific prayer for taking punitive action against respondent No.5 on the premise that the said respondent has been committing irregularities in the supply of LPG to the customers, we refrain from expressing any opinion on this issue and leave it to the petitioner to persuade the concerned authorities of the Civil Supplies Department to take action in the matter of irregularities, if any committed by respondent No.5.

The petitioner's prayer for appointment of additional distributors for supply of LPG is liable to be disposed of as infructuous because the oil companies and the State Government have already taken steps for commissioning LPG distributorship at Vakadu and process has been initiated for commissioning of two more distributorships. The assurance, which is implicit in the affidavits filed on behalf of the two oil companies and the State Government, is, in our opinion, sufficient to allay the fear of the petitioner that the respondents are not taking steps to remedy the grievances of the customers. Therefore, we do not find any justification to issue a mandamus for appointment of two new LPG distributors de hors the relevant norms and guidelines.

In the result, the writ petition is disposed of with the observation that the petitioner shall be free to pursue its cause for establishment of LPG distributorship in the area and also represent to the Civil Supplies Department for taking punitive action to check the irregularities, if any committed by respondent No.5.

G. S. SINGHVI, C.J.

7th August, 2006.

G. V. SEETHAPATHY, J

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